

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LeSHAUN CURRY,

Plaintiff,

Case No. 15-cv-14000
Hon. Matthew F. Leitman

v.

EXPERIAN INFORMATION
SOLUTIONS, INC.,

Defendants.

ORDER DISMISSING PLAINTIFF'S COMPLAINT (ECF #1-1)

In this action, Plaintiff LeShaun Curry ("Curry") brings claims against Defendant Experian Information Solutions, Inc. ("Experian") under the Fair Debt Collection practices Act (15 U.S.C. § 1692 *et seq.*), the Fair Credit Reporting Act (15 U.S.C. § 1681 *et seq.*), and the Michigan Consumer Protection Act (M.C.L. § 445.901.) (*See* Compl., ECF #1-1.)

On July 16, 2016, Experian filed a motion to compel discovery (the "Motion to Compel"). (*See* ECF #18.) Curry did not file a response to the Motion to Compel, and on August 17, 2016, the assigned Magistrate Judge granted the motion by written order. (*See* ECF #19.) In that order, the Magistrate Judge advised Curry that "**his failure to comply with this Order will result in a**

recommendation that his action be dismissed.” (*Id.* at 2, Pg. ID 71; emphasis in original.)

On October 11, 2016, the Magistrate Judge issued a Notice of Telephonic Conference to the parties, requiring them to participate in a telephone status conference on October 19, 2016, at 10:00 a.m. (*See* ECF #22.) Curry did not appear for the telephonic conference. On October 24, 2016, the Magistrate Judge issued an Order to Show Cause requiring Curry to show cause why his case should not be dismissed under Federal Rule of Civil Procedure 41(b) (the “Show Cause Order”). (*See* ECF #23.) The Magistrate Judge expressly warned Curry that if he failed to comply with the Show Cause Order, the Magistrate Judge would “promptly issue a Report and Recommendation to dismiss his case pursuant to Federal Rule of Civil Procedure 41(b).” (*Id.* at 3, Pg. ID 81; emphasis removed.)

Curry never responded to the Show Cause Order. As a result, on November 9, 2016, the Magistrate Judge issued a Report and Recommendation recommending that the Court grant dismiss Curry’s Complaint against Experian with prejudice (the “R&R”). (*See* ECF #24.) At the conclusion of the R&R, the Magistrate Judge informed Curry that if he wanted to seek review of his recommendation, he needed to file specific objections with the Court within fourteen days. (*See id.* at 6-7, Pg. ID 84-85.)

Curry has not filed any objections to the R&R. As the Magistrate Judge specifically warned Curry in the R&R (*see id.*), the failure to file objections waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Moreover, the failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, because Curry has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to dismiss Curry's Complaint with prejudice is **ADOPTED**.

IT IS FURTHER ORDERED that Curry's Complaint (ECF #1-1) is **DISMISSED WITH PREJUDICE**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: December 6, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 6, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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